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January 24, 2018

VIA ECF

The Honorable Roberto A. Rivera-Soto
Ballard Spahr LLP
210 Lake Drive East, Suite 200
Cherry Hill, New Jersey 08002

Re: *Kimberlee Williams, et al. v. BASF Catalysts LLC, et al.*
Civil Action No. 11-cv-01754 (JLL) (JAD)

Dear Justice Rivera-Soto:

On behalf of defendant BASF Catalysts LLC, I write in response to plaintiffs' 17-page motion to compel [ECF No. 414]. Plaintiffs provided no notice to defendants that they intended to file this motion, in violation of Local Civil Rule 37.1's meet and confer requirement. Plaintiffs failed to raise this with BASF even though BASF was on the phone with plaintiffs' counsel last night on other discovery issues.

Based on our initial review of plaintiffs' submission, it is not apparent that it is supported by any good-faith legal basis. Most of plaintiffs' brief requests agreements between co-defendants, even though this Court already denied this same request just months ago. *See* 10/27/17 Order [ECF No. 365]. Plaintiffs did not seek



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reconsideration of that order and did not appeal it, and nothing has changed since then. The remainder of plaintiffs' submission makes other arguments that are frivolous on their face, such as that defendants through agreements waived their privilege. We also note that this lengthy motion comes after plaintiffs sought—and received—additional time for both their class certification brief and for complying with their discovery obligations as to Rothenberg.

All counsel have substantial obligations in this litigation, and there are many legitimate issues that require this Court's attention. This is not one of them. Under all the circumstances, we believe the Court can simply deny plaintiffs' motion outright, including because of their failure to meet and confer. BASF asks that it be permitted to respond on February 2, 2018, or as directed by the Court. BASF will ask that, at the conclusion of this motion, the Court consider awarding fees for this Motion and that the Court's time devoted to this meritless submission be allocated entirely to the plaintiffs.

Respectfully Submitted,

s/ Justin T. Quinn

Justin T. Quinn
Counsel for BASF Catalysts LLC

cc: All counsel of record (via ECF)